

**To:** Lee Henig-Elona[lhenig-elona@gordonrees.com]  
**From:** Fajardo, Juan  
**Sent:** Tue 9/6/2016 2:04:46 PM  
**Subject:** Re: Diamond Alkali/Lower 8.3 miles of Lower Passaic River

Things are moving along. We are cautiously optimistic that the matter will be resolved shortly.

---

**From:** Lee Henig-Elona <lhenig-elona@gordonrees.com>  
**Sent:** Tuesday, September 6, 2016 10:01 AM  
**To:** Fajardo, Juan; Flanagan, Sarah  
**Cc:** Zizila, Frances  
**Subject:** RE: Diamond Alkali/Lower 8.3 miles of Lower Passaic River

Welcome back from a hurricane-free weekend.

I was just checking in to get an update on your negotiations with Occidental. Your notice letters of March 31, indicated that you were hoping to enter into a consent order by the end of August. Are you optimistic that a CO is going to happen? Kindly provide some sense of where things are.

Thank you,

Lee

---

**Lee Henig-Elona**  
**GORDON & REES LLP**

1 Battery Park Plaza, 28<sup>th</sup> floor

New York, New York 10004

18 Columbia Turnpike, Suite 220  
Florham Park, NJ 07932  
D: 973-549-2520 | P: 973-549-2500 | F: 973-377-1911

**[lhenig-elona@gordonrees.com](mailto:lhenig-elona@gordonrees.com)**

Arizona • Alabama • California • Colorado • Connecticut • Florida • Georgia  
Illinois • Maryland • Massachusetts • Missouri • Nevada • New Jersey • New York  
North Carolina • Oregon • Pennsylvania • South Carolina • South Dakota • Texas  
Virginia • Washington • Washington, D.C.  
**[www.gordonrees.com](http://www.gordonrees.com)**

**From:** Fajardo, Juan [mailto:Fajardo.Juan@epa.gov]  
**Sent:** Thursday, June 16, 2016 3:36 PM  
**To:** Lee Henig-Elona; Flanagan, Sarah  
**Cc:** Zizila, Frances  
**Subject:** RE: Diamond Alkali/Lower 8.3 miles of Lower Passaic River

Lee,

EPA is in negotiations with Occidental that may result in the Parties entering into an administrative order and settlement agreement for the performance of the Operable Unit 2 remedial design. Given the scope and costs associated with OU2, there are more issues, and more complex issues, that need to be addressed than is normally the case.

Juan M. Fajardo

Assistant Regional Counsel

**From:** Lee Henig-Elona [mailto:lhenig-elona@gordonrees.com]  
**Sent:** Thursday, June 16, 2016 3:09 PM  
**To:** Fajardo, Juan <Fajardo.Juan@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>  
**Subject:** Diamond Alkali/Lower 8.3 miles of Lower Passaic River

Dear Mr. Fajardo and Ms. Flanagan,

In your March 31, 2016 letters to PRPs, you indicated that EPA was going to try to get Occidental to voluntarily execute a Consent Order for the remedial design by August 31, 2016. Have discussions commenced? Have you made any progress? Thank you.

*Lee Henig-Elona*

---

**Lee Henig-Elona**  
**GORDON & REES LLP**

1 Battery Park Plaza, 28<sup>th</sup> floor

New York, New York 10004

18 Columbia Turnpike, Suite 220  
Florham Park, NJ 07932  
D: 973-549-2520 | P: 973-549-2500 | F: 973-377-1911  
**lhenig-elona@gordonrees.com**

Arizona • Alabama • California • Colorado • Connecticut • Florida • Georgia  
Illinois • Maryland • Massachusetts • Missouri • Nevada • New Jersey • New York  
North Carolina • Oregon • Pennsylvania • South Carolina • South Dakota • Texas  
Virginia • Washington • Washington, D.C.  
**www.gordonrees.com**

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC  
\* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON & REES LLP**  
**<http://www.gordonrees.com>**